

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
February 6, 2005
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at: 9:44 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Absent: none

Legal Staff Present: Allie Greenleaf Maldonado

Staff Present: Michele LaCount, Albert Colby, Jr., Valerie Tweedie, Barry Crowell, Heidi Yaple, Linda Woods, Winnay Wemigwase, Joe Mitchell

Commission, Boards and Committees: Sherri Patton, Ray Kiogima, Rochelle Ettawageshik, John Keshick, Beverly Wemigwase, Kevin Willis, Dorothy Boda

Guests: Marty VanDeCar, Harvey Gibson, Carol McFall, Eleanor Barber, Andrew Stich, Debbie DeLeon, Shirley Oldman, Tim LaCroix, Deleta Gasco Smith, Julie Shananaquet, Mary Roberts, Tom Teuthorn, Brittany Bentley, Marcia Sutton

Opening Ceremony: Alice Yellowbank

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to adopt the agenda as amended for February 6, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to enter into record Little Traverse Bay Bands of Odawa Indians Constitution Secretarial Election results, 467 (72.40%)-For and 178 (27.60%)-Against as posted by the Election Board and certified by the Bureau of Indian Affairs on February 1, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to approve the minutes of January 9, 2005 as presented.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

10:22 a.m. recess called
10:28 a.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Treasurer's reports dated January 23, and February 6, 2005 as presented by Valerie Tweedie, C.F.O., on February 6, 2005.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to accept the Tribal Administrator, Albert Colby, Jr.'s report for January 23 and February 6, 2005.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to schedule a 2005 planning work session on March 18, 2005 with the Tribal Administrator, to include mileage, stipend, lodging and per diem for Tribal Council to attend.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the Tribal Chairman's report verbal and written, for January 23 and February 6, 2005.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to adopt the Draft Proposal 1.02 plan for Grants and Donations office as proposed.
Vote: 6 Yes, 1 No (Treasurer Alice Yellowbank), 0 Absent, 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet to adopt Resolution #020605-01 Support the Repatriation of Human Remains Along With Associated Grave Goods from the University of Michigan to the Whitefish River First Nation.
Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

11:46 a.m. Public Comment: Andrew Stich, Harvey Gibson, Carol McFall, Fred Harrington, Jr., Allie Greenleaf Maldonado

11:58 a.m. Public Comment closed

11:59 a.m. Lunch recess called until 1:30 p.m.

1:32 p.m. Meeting reconvened

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to approve the budget of \$45,000 for the 14th Annual Pow Wow.

Motion Withdrawn

Motion made by Councilor Regina Gasco Bentley and supported by Secretary Dexter McNamara to approve Marci Reyes, Regina Gasco and Albert Colby, Jr., to be approved as signers for check requests for expenditures related to the 14th Annual Homecoming Pow Wow.

1:47 p.m. Councilor Fred Harrington, Jr. arrives

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Secretary Dexter McNamara to approve Marci Reyes and Regina Gasco as Co-Chairpersons for the 14th Annual Jiingtamok.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained

Motion Carried

1:50 p.m. Tribal Chairman Frank Ettawageshik arrives

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to accept the Economic Development Commission's 4th quarterly report of 2004 presented by Cheryl Keshigo, Chairperson for February 6, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to accept Gaming Board of Director's verbal and written report as presented by Sherri Patton, Chairperson for February 6, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to accept the Housing Commission's 4th quarterly verbal and written report as presented by Chairperson Ray Kiogima.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to accept the quarterly report for 2004 from the Indian Child

Welfare Commission as presented by Rochelle Ettawageshik, Chairperson, on February 6, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to accept the quarterly report for Little Traverse Bay Bands of Odawa Indians Natural Resource Commission as presented by John Keshick III, Chairman, dated October-December 04.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

3:35 p.m. recess called

3:58p.m. meeting reconvened

3:59 p.m. Public comment opened: Kevin Willis, Deleta Gasco Smith, Shirley Oldman, Fred Harrington, Jr.

4:04 p.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Gaming Regulatory's 4th quarter verbal and written report as presented by Beverly Wemigwase on February 6, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank for Tribal Council to attend with Gaming Regulatory a work session on the Tribal MICS for April 18, 2005 to include, stipend, mileage, lodging and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Rita Shananaquet to accept the Trust Fund Board's 4th quarter report presented by Kevin Willis, verbal and written on February 6, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt Resolution #020605-02 Ride Safe Program Between Little Traverse Bay Bands of Odawa Indians and Inter-Tribal Council of Michigan, Inc.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #020605-03 Agreement between Little Traverse Bay Bands of Odawa Indians and Great Lakes Inter-Tribal Council. Inc. Bio-Terrorism/Emergency Collaborative Response-Michigan. Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. that we adopt Resolution #020605-04 Request for Funding from the Institute of Museum and Library Services, Little Traverse Bay Bands of Odawa Indians 2005 Basic Library Services Grant. Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to adopt Resolution #020605-05 Request for Funding from the U.S. Environmental Protection Agency Region 5, Little Traverse Bay Bands of Odawa Indians Fiscal Year 2005 Tribal Solid Waste Management Assistance Grant Program. Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution # 20605-06 to Request Funding from U.S. Department of Health and Human Services Indian Health Service Little Traverse Bay Bands of Odawa Indians Fiscal Year 2005 Special Diabetes Program for Indians. Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to adopt Resolution #020605-07 Request for Funding from Quota International of Traverse City Charitable Foundation, Little Traverse Bay Bands of Odawa Indians Nutrition Resources for Expecting and New Mothers.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr. to adopt Resolution #020605-08 Request for Funding from the National Park Services, Tribal Preservation Program Heritage Preservation Services, Fiscal Year 2005 Historic Preservation Fund Grants to Indian Tribes, Alaskan Natives, and Native Hawaiian Organizations for Waganakising Odawak Identity Preservation Project.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

5:12 p.m. Recess called

5:27 p.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to adopt Resolution #020605-09 Inter-local Agreement for Deputization and Mutual Law Enforcement Assistance Between Little Traverse Bay Bands of Odawa Indians and the County of Charlevoix.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-no, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to approve the Enrollment Commission Bylaws dated November 9, 2004 as amended on February 6, 2005.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Treasurer Alice Yellowbank), 0 Absent, 0 Abstained
Motion Carried

5:41 p.m. Councilor Rita Shananaquet leaves

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to authorize the Tribal Chairman to sign the Annual Performance Report as presented by the Housing Department on February 6, 2005.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve funding in the amount of \$14,500 for the repatriation procedures as presented monitoring well to come from the Capital Improvement line item, supplies and other items needed, can come from the Cultural Preservation budget and the E.P.A. budget.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice-Chairperson Beatrice A. Law to raise the funding for the funding for production of videos to \$33,000 and approve the two projects by Shirley Oldman, and the Archives and Records Department and authorize the Tribal Chairman to sign all contracts necessary to implement the videos.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to approve Enrollment list "A" Eligible for Membership dated January 20, 2005.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Treasurer Alice Yellowbank to approve Enrollment list "B" Declination (Ineligible) for Membership dated January 20, 2005.

Vote: 4 Yes, 2 No (Secretary Dexter McNamara, Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Burial Fund request #A0092 for \$6,714.48.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Burial Fund request #A0093 for \$5,751.60.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice-Chairperson Beatrice A. Law to approve a \$5,000 donation to the American Red Cross chapter 22020 for General Fund/Disaster Services in response to the Tsunami disaster, to come from the donations line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the contract between Little Traverse Bay Bands of

Odawa Indians and Valerie Tweedie as Chief Financial Officer for the term of 6 years effective February 7, 2005 and ending February 6, 2011 and authorize the Tribal Chairman to sign.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to approve the purchase of land parcel #18 price not to exceed \$54,000.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

7:34 p.m. recess called

7:40 p.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Legal Department's verbal and written report as presented by Allie Greenleaf Maldonado, Assistant General Counsel for February 6, 2005.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #020605-10 Authorization of Lears Road Extension Agreement.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-no, Councilor Regina Gasco Bentley-no

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize the re-allocation of \$450,000 of funding from the Victories expansion Capital Project Fund to the Victories II Capital Project Fund to cover a portion of the cost of the Lears Road agreement.

Vote: 4 Yes, 2 No (Councilor Regina Gasco Bentley, Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adjust the Victories II Project Schedule to change the completion date of the Design Development phase from April 15 to August 1, 2005, and reallocate the previously approved project funds to the remaining portion of the Lears Road Agreement.

Vote: 4 Yes, 2 No (Councilor Regina Gasco Bentley, Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize the purchase of parcel known as property #19, for the amount not to exceed \$1.5 million.

Vote: 4 Yes, 2 No (Secretary Dexter McNamara, Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve any Council member wanting to attend the WOBTT Recognition Dinner at Victories Hotel for February 7, 2005 as well as the Employee's Recognition Dinner for February 17, 2005 at Victories Hotel to include mileage, stipend, lodging, and per diem.

Vote: 5 Yes, 1 No (Secretary Dexter McNamara), 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

8:51 p.m. Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr. to adjourn.

Vote: 7 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date